

**MEMO TO:** City Council

**FROM:** Rosemarie Ives, Mayor

**DATE:** March 15, 2005

**SUBJECT:           ORDINANCE: EMERGENCY INTERIM ORDINANCE  
AMENDING THE SIGN CODE FOR COMMERCIAL PORTABLE  
SIGNS BEING DISPLAYED IN THE PUBLIC RIGHT-OF-WAY  
AND CLARIFYING THE DEFINITION OF POLITICAL SIGNS**

**I.       RECOMMENDED ACTION**

Adopt the emergency interim sign ordinance amending the Redmond Community Development Guide (RCDG) to limit the time, place and manner of portable, commercial signs that are being displayed in the City of Redmond. This ordinance also clarifies the definition of political signs.

**II.      DEPARTMENT CONTACT PERSONS**

Roberta Lewandowski, Director, Planning and Community Development, 425-556-2447  
Jim Roberts, Assistant Planning Director, 425-556-2525  
Deborah Farris, Code Compliance Officer, 424-556-2465  
James Haney, City Attorney, 206-447-7000

**III.     DESCRIPTION/BACKGROUND**

On July 22, 2003 the City of Redmond's portable sign section of the Redmond Community Development Guide (RCDG) was challenged by a legal complaint. In January 2004, the U.S. District Court issued a preliminary injunction against the continued enforcement of the City's portable sign prohibition. The court ruled that the ban on some commercial signs, but not others, was "more extensive than necessary" and therefore unconstitutional. This decision was upheld, and a permanent injunction was granted on June 15, 2004.

Since the injunction, there has been a steady and significant proliferation of commercial portable signs throughout the City of Redmond. Besides a general degradation of the City's aesthetics, there is a growing concern for pedestrian and traffic safety. Large numbers of signs are being placed on sidewalks and signs that are being waved or otherwise in motion are causing a distraction for drivers.

Amending chapters 20D.160 and 20A.20 of the RCDG will restrict the time, place and manner of commercial portable signs, and clarify the definition of political signs.

The City may adopt the ordinance as an emergency, but then must hold a public hearing within 60 days to decide whether to continue the interim measure. If the Council chooses to continue the regulations, the subject will be referred to the Planning Commission, which will schedule a public hearing before making its recommendation for action to the City Council.

#### **IV. IMPACT**

- A. Service Delivery:** The emergency interim ordinance would enable the City of Redmond to limit visual clutter and address safety issues, and would also clarify the difference between commercial and political signs.

By adopting the emergency interim sign ordinance, the City would be able to restrict all portable commercial, real estate, and construction signs to one (1) per business to be displayed only between the hours of 8:00 a.m. and 5:00 p.m. The interim ordinance would prohibit all commercial portable signs from being placed on sidewalks, median strips, vehicle lanes, bikeways and/or trails, and any sign being displayed could not be animated. Portable commercial signs would be limited to a maximum size of six (6) square feet, contain no more than two sign faces, and could not exceed six feet in height measured from the pre-existing ground level to the top of the sign.

- B. Fiscal:** When the permanent injunction was granted, the City's code enforcement team's workload was reduced, as the portable sign section of the RCDG could no longer be enforced. Adopting the interim ordinance would initially increase the workload, because realtors and businesses would need to be informed that a new sign ordinance has been put in place. After the initial education of realtors and businesses, the workload would return to what it was prior to January 2004.

#### **V. ALTERNATIVES TO STAFF RECOMMENDATION**

- A. Do not adopt the emergency interim ordinance.** Allow the proliferation of signs to increase steadily over time until a final decision as to the constitutionality of the sign ordinance is handed down from the 9<sup>th</sup> Circuit Court.
- B. Revise the findings of fact as appropriate to better reflect Council policy interest.**

#### **VI. TIME CONSTRAINTS**

The interim amendments to the sign code will expire on September 15, 2005, unless extended or made permanent by the City Council.

City Council

RE: **ORDINANCE: EMERGENCY INTERIM ORDINANCE AMENDING THE SIGN CODE FOR  
COMMERCIAL PORTABLE SIGNS BEING DISPLAYED IN THE PUBLIC RIGHT-OF-WAY AND  
CLARIFYING THE DEFINITION OF POLITICAL SIGNS**

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**VII. LIST OF ATTACHMENTS**

**Attachment A:** Emergency Ordinance for Interim Emergency Regulations for Portable  
Signage

<u>/s/</u>	<u>3/2/05</u>
Roberta Lewandowski, Planning Director	Date

Approved for Council Agenda: <u>/s/</u>	<u>3/5/05</u>
Rosemarie Ives, Mayor	Date

# ATTACHMENT A

0020.90000

JZL

6/28/04

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## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING CHAPTERS 20D.160.10 AND 20A.20 OF THE REDMOND COMMUNITY DEVELOPMENT GUIDE; ADOPTING INTERIM REGULATIONS FOR PORTABLE SIGNAGE; CLARIFYING THE DEFINITION OF POLITICAL SIGNS; DECLARING AN EMERGENCY; PROVIDING FOR SEVERABILITY; SETTING A PUBLIC HEARING DATE; AND PROVIDING FOR IMMEDIATE EFFECT.

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WHEREAS, the City of Redmond has adopted and codified at RCDG 20D.160.10-090 a general prohibition on most commercial portable signs; and

WHEREAS, RCDG 20D.160.10-090 was challenged by legal complaint dated July 22, 2003; and

WHEREAS, the United States District Court for the Western District of Washington issued a preliminary injunction against continued enforcement of the City's portable sign prohibition on January 21, 2004; and

WHEREAS, the District Court issued a permanent injunction against enforcement of the City's portable sign prohibition on June 15, 2004; and

WHEREAS, the City has appealed the District Court's decision to the Ninth Circuit Court of Appeals, but no decision is anticipated on the City's appeal until late 2005; and

WHEREAS, a significant proliferation of portable signage has occurred within the Redmond community since issuance of the District Court's preliminary injunction order; and

WHEREAS, the City Council desires to minimize the aesthetic and traffic safety problems posed by portable signage to the extent permissible under the District Court's ruling; and

WHEREAS, the City Council seeks to adopt and immediately implement temporary time, place and manner restrictions on portable signs until the City can promulgate a permanent regulatory scheme for such signage; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment of RCDG 20D.160.10-090. Section 20D.160.10-090(3) of the Redmond Community Development Guide is hereby amended to provide in its entirety as follows:

**20D.160.10-090 Prohibited Signs.**

The following signs are prohibited:

. . . .

(3) Portable Signs. Portable signs not meeting the requirements of RCDG 20D.160.10-060 are prohibited. This prohibition includes, but is not limited to, portable reader boards, signs on trailers and sandwich boards.

. . . .

Section 2. Amendment of RCDG 20D.160.10-060. Section 20D.160.10-060 of the Redmond Community Development Guide is hereby amended to provide in its entirety as follows:

**20D.160.10-060 Permitted Temporary Signs.**

Temporary signs, exempt from RCDG 20D.160.10-050 unless otherwise provided, are permitted in any zoning district subject to the following requirements:

(1) Portable commercial, real estate and construction signs. Portable signs advertising construction project sites, business locations, and the sale or lease of commercial or residential premises are permitted only as follows:

(a) Number. No more than one (1) portable commercial, real estate or construction portable sign shall be allowed for each business location, construction project site, or real estate unit offered for sale or lease. PROVIDED, that a maximum of one portable sign shall be allowed for any multi-unit residential apartment complex notwithstanding the number of rental units therein currently available for lease.

(b) Size. Commercial, real estate and construction portable signs shall not exceed six square feet per sign face, and no such sign shall contain more than two sign faces. Commercial, real estate and construction portable signs shall not exceed six feet in height, measured from the pre-existing ground level to the top of the sign.

(c) Location. No commercial, real estate or construction portable sign shall be located within vehicle lanes, bikeways, trails, sidewalks or median strips. No commercial, real estate or construction portable sign shall block driveways or be affixed to utility poles, trees or traffic signs.

(e) Festoons prohibited. The use of balloons, festoons, flags, pennants, lights or any other attached display on a commercial, real estate or construction portable sign is prohibited.

(f) Animation prohibited. No commercial, real estate or construction portable sign shall be displayed while being rotated, waved, or otherwise in motion.

(g) Duration. No commercial, real estate or construction portable sign shall be displayed between the hours of 5:00 p.m. and 8:00 a.m.

(2) Major Land Use Action Notice. Where required by RCDG Title 20F, public notice signs which describe proposed major land use actions and public hearing dates are permitted. The sign or signs shall comply with the standards contained in RCDG Title 20F.

### (3) Political Signs.

(a) On-Premises Signs. On-premises political signs located at the headquarters of a political party, candidate for public elective office, or a public issue decided by ballot are permitted. All on-premises political signs shall comply with the dimensional and locational requirements of the sign district in which located.

#### (b) Off-Premises Signs.

(i) Location. Permits for political signs are not required. Political signs may not be placed on private property without the permission of the property owner. In parking strips and public rights-of-way where the placement of a political sign may be fairly attributed to a neighboring property owner, permission of that owner must first be obtained prior to placement. Political signs may not be located so as to impede driver vision or represent an obstruction or hazard to vehicular or pedestrian traffic. On public property not part of the public right-of-way, relevant City departments may designate an area or areas for the placement of political signs in order to ensure that placement will not interfere with the intended use of that land.

(ii) Size/Spacing. Political signs shall not exceed six square feet in size. No political sign may exceed six feet in height, measured from the pre-existing ground level to the top of the sign.

(iii) Removal of Election Signs. Off-premises political signs shall be removed within seven days of the date of the election to which the sign pertains. Failure to remove political signs within the time limit provided shall constitute a violation of this code and shall be punishable as such. In the event that City personnel are required to remove signs from public rights-of-way after expiration of the time limit for removal, all costs associated with such removal shall be the responsibility of the candidate or campaign organization for whom the sign was posted and shall be collected in addition to any other penalty applicable to failure to remove the sign.

(iv) Public Works Projects. The Public Works Department may remove signs from public rights-of-way in order to conduct periodic maintenance activities. Signs removed for this purpose may be picked up at the City's Maintenance and Operations Center and returned to their prior location if still within the removal deadline. The Public Works Department may permanently remove political signs from public rights-of-way for the purpose of carrying out major public works projects. Political signs removed for this purpose will be held and made available for pick up at the

City's Maintenance and Operations Center until 14 days following the next occurring election.

(v) Removal of Signs in Disrepair. The Public Works Department may remove any sign which is in a state of disrepair from the public right-of-way or public property at any time. For purposes of this subsection, a sign is in a state of disrepair if it is ripped, torn, broken, faded, obliterated, obscured, dilapidated, blown down, knocked over or in any other state in which its message has ceased to be readable or legible.

(vi) Notification. Persons interested in locating off-premises political signs within the City shall first notify the City Clerk of their intent to do so and obtain a copy of the City's political sign regulations.

(4) Temporary Window Signs. Temporary window signs shall not be included in the sign area for each facade, provided that such signs do not exceed the smaller of a total of 50 square feet or 10 percent of the window area.

(5) Signs on Kiosks. Temporary signs on kiosks are permitted but the signs shall not exceed four square feet in area.

(6) Temporary Uses and Secondary Uses of Schools, Churches, or Community Buildings. Temporary signs relating directly to allowed temporary uses under these regulations and secondary uses of schools, churches, or community buildings may be permitted for a period not to exceed the operation of the use. The signs need not be processed through the Design Review Board and are subject to the following requirements:

(a) Signs must be portable in nature.

(b) No more than one on-premises sign and one off-premises sign shall be permitted per temporary use, except by virtue of having been in consistent operation prior to the existence of this chapter, and due to the fact numerous individual operators participate in the operation, the open air crafts and farmer's market, commonly known as the Saturday Market, shall be allowed two on-premises signs in addition to one off-premises sign.

(c) No sign shall exceed six square feet per sign face.



(d) Maximum sign height shall be six feet measured from the pre-existing ground level to the top of the sign.

(e) Signs shall not be portable readerboard types, electrical or neon. Only indirect lighting is allowed.

(f) Sandwich board or “A” board signs may be used in compliance with this subsection, Temporary Uses and Secondary Uses of Schools, Churches, or Community Buildings, provided they are used only during the days the temporary or secondary use occurs and are removed after the use ceases for each day.

(g) Signs shall be secured with an approved tie down.

(h) Signs shall be approved by the Planning Director before they are used. If a temporary use permit is required, this review shall take place as part of the temporary use application decision.

Section 3. Amendment of RCDG 20A.20.160. The definition of “Political Sign” contained in Section 20A.20.160 of the Redmond Community Development Guide is hereby amended to provide in its entirety as follows:

**20A.20.160 “P” Definitions.**

. . . .

**Political Sign.**

A sign which exclusively and solely advertises a candidate or candidate’s public elective office, a political party, or promotes a position on a public, social or ballot issue.

. . . .

Section 4. Declaration of Emergency — Effective Date. The City Council hereby finds and declares that an emergency exists necessitating this ordinance to become effective immediately in order to preserve the public health, safety and welfare. This ordinance shall therefore become effective immediately upon passage. The City Clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

Section 5. Sunset Clause. The interim regulations established herein shall expire on September 15, 2005 unless extended or made permanent by the City Council.

Section 6. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, a public hearing regarding the interim regulations contained herein is hereby set for May 3, 2005 at 8:00 p.m. or as soon thereafter as the business of the Council shall permit. The City Council shall adopt findings and conclusions in support of this ordinance immediately after the conclusion of said hearing.

Section 7. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

CITY OF REDMOND

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MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:

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CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

By: \_\_\_\_\_

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
SIGNED BY THE MAYOR:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO. \_\_\_\_\_